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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,830	07/24/2000	Louis Brown Abrams	D.N.7167	6580

7590

06/29/2006

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Denver, CO 80202-5141

EXAMINER
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JUSKA, CHERYL ANN

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/621,830	ABRAMS, LOUIS BROWN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Cheryl Juska	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 18-23, 25-27, 29-38, 40-42, 44-46, 48 and 50-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 18-23, 25-27, 29-38, 40-42, 44-46, 48 and 50-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/05; 3/07/06; 3/21/06; 5/26/06</u>                                      | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed March 7, 2006, has been entered. Claims 1-4, 18-23, 25-27, 29-38, 40-42, 44-46, 48, and 50-53 have been amended as requested. Claims 5-17, 24, 28, 39, 43, 47, and 49 are cancelled and new claims 54-63 have been added. Thus, the pending claims are 1-4, 18-23, 25-27, 29-38, 40-42, 44-46, 48, and 50-63. Additionally, the specification has been amended as requested.
2. Said amendment is sufficient to overcome the new matter rejection of the specification as set forth in section 5 of the last Office Action. Additionally, said amendment is sufficient to withdraw the objection to claim 24 as set forth in section 9 of the last Office Action and the 112, 2<sup>nd</sup> rejection of claim 1 as set forth in section 15 of the last Office Action.
3. Applicant's arguments with respect to the 112 rejection of claims 44 and 46, as set forth in section 12 of the last Office Action, have been found persuasive. As such, said rejection is hereby withdrawn.

### ***Specification***

4. The objection to the specification as set forth in section 4 of the last Office Action is hereby maintained. While it is conceded that Figure 3 shows "fringe material 50," the specification as originally filed, including Figure 3, does not provide support for the amendment to the specification that "As shown in FIG. 3, a fringe material 50 can be applied to peripheral

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edges of the flocked release sheet 1 or substrate 15 during this manufacturing process.”

Specifically, the specification only provides support for fringe material along the two edges shown in Figure 3, not the entire periphery. Additionally, the specification does not provide support for the fringe material located on substrate layer 15, but rather just on layer 1. Thus, the objection is maintained.

### ***Drawings***

5. As noted above, it is conceded that Figure 3 shows “fringe material 50.” As such, Figure 3, filed February 25, 2003, is accepted.

### ***Double Patenting***

6. Claims 1-4, 18-23, 25-27, 29-38, 40-42, 44-46, 48, and 50-53 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 and 29 of copending Application No. 10/670,091 (US 2004/0058120) as set forth in section 8 of the last Office Action. New claims 54-63 are also provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 and 29 of copending Application No. 10/670,091 (US 2004/0058120).

7. Note the terminal disclaimer filed March 7, 2006, does not comply with 37 CFR 1.321(b) and/or (c) because: An attorney or agent, not of record, is not authorized to sign a terminal disclaimer in the capacity as an attorney or agent acting in a representative capacity as provided by 37 CFR 1.34 (a). See 37 CFR 1.321(b) and/or (c).

***Claim Rejections - 35 USC § 112***

8. Claims 40 and 42 stand rejected under 35 USC 112, 1<sup>st</sup> paragraph as set forth in sections 10 and 11 of the last Office Action. As explained above the specification does not provide support for the claimed fringe limitation (i.e., extending outwardly from peripheral edges of the substrate).

***Allowable Subject Matter***

9. Claims 1-4, 18-23, 25-27, 29-38, 41, 44-46, 48, and 50-63 contain allowable subject matter. The 103 rejection of claims 1-4, 18-23, 25-27, 29-38, 41, 44-46, 48, and 50-53 as being unpatentable over US 4,687,527 issued to Higashiguchi in view of US 4,810,549 issued to Abrams et al. as set forth in section 17 of the last Office Action is hereby withdrawn. Specifically, applicant's argument that the combination of Higashiguchi and Abrams would change the principle of operation of Higashiguchi (Amendment, section 5, pages 19-20) has been found persuasive. Note one of Higashiguchi's objectives is to "provide a method of transferring a flock pattern of flock fibers to one surface of a material without employing a conventional patterned flock transferring material" (col. 3, lines 5-8). By "conventional patterned flock transferring material," Higashiguchi is referring to a flocked transfer having a pattern of adhesive formed thereon (col. 1, lines 11-46), rather than the Higashiguchi reference which forms the pattern of adhesive on the substrate to be flocked. Thus, modification of Higashiguchi with the teachings of Abrams would change the principle of operation intended by Higashiguchi as well as render Higashiguchi unsatisfactory for its intended purpose. Therefore, the rejection of the claims over Higashiguchi in view of Abrams is hereby withdrawn.

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10. Additionally, an obviousness rejection of the claims over Abrams in view of Higashiguchi or any other art is not proper since one would not be motivated to substitute a thermosetting sheet for the combination of binder adhesive and hot melt adhesive of the Abrams invention and/or for the hot melt adhesive layer while also omitting the binder adhesive layer. Therefore, claims 1-4, 18-23, 25-27, 29-38, 41, 44-46, 48, and 50-63 contain allowable subject matter.

### ***Conclusion***

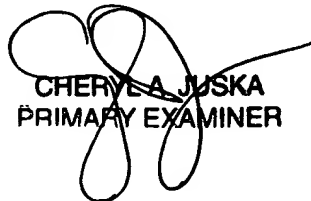
11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Juska whose telephone number is 571-272-1477. The examiner can normally be reached on Monday-Friday 10am-6pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached

at 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CHERYL A. JUSKA  
PRIMARY EXAMINER